

REMARKS/ARGUMENTS

In the specification, paragraphs [0014]; [0035]; [0036]; [0058]; [0070]; [0071]; [0073]; [0074]; [0075]; [0077]; [0078]; have been amended to correct minor editorial problems. EXHIBIT B has been added to aid in the understanding of the structure of the present invention. Paragraphs [0060]; [0061]; [0063]; [0064]; [0069] have been amended to correct editorial problems, *but due to the difficulty in reading*, clean copies have been provided, as EXHIBIT C, to assist the Examiner. Paragraphs [0029]; [0050] and [0062] have been cancelled in their entirety. The new paragraph [0006.1] lists prior art patents know to the Applicant. The new paragraph [0064.1] is a summary of the interrelationship between FIGS. 4, 5 and 6 and TABLE X as it deals with the pressure/force relationship. The "TABLES", consisting of pages 14a through 14j have been amended to reflect the changes made in the language regarding the above numbered paragraphs.

In amended Figure 3, the previously omitted element numeral 14c has been added; the passageway depicted by previously submitted element numeral 7a has been shortened and the passageway depicted by previously submitted element numeral 6a has been lengthened.

In amended Figure 4, the previously omitted element numeral 14c has been added; the previously submitted element numeral 16c has been changed to 16a; the passageway on the left hand side has been shortened and the passageway on the right hand side has been lengthened.

In amended Figure 5, the previously omitted element numeral 14c has been added; the previously submitted element numeral 19c has been changed to 19a; the previously omitted element numerals 26, 31, 29, 26 and 24 have been added; the passageway depicted by previously submitted element numeral 7a has been shortened and the passageway depicted by previously submitted element numeral 6a has been lengthened; also the arrows showing the flow of fluid have been changed to the opposite direction to now show the flow going upward through previously submitted element numeral 6a putting fluid pressure on the piston 4b forcing it to move to the left so fluid can flow downward through passageway 7a. Further, previously submitted element numeral 31 [located left hand side/middle] has been shortened to correctly point to the end cap [instead of the spring] as depicted in the language and the Table herein.

In amended Figure 6, again the passageway depicted by previously submitted element numeral 7a has been shortened and the passageway depicted by previously submitted element numeral 6a has been lengthened; the arrows showing the flow of fluid have been changed to the opposite direction to now show the flow of fluid moving upwardly in passageway 7a forcing the piston 4b to move to the right allowing fluid to flow downwardly through passageway 6a. Also, previously submitted element numeral 31 has been shortened to correctly point to the end cap [instead of the spring] as depicted in the language and table herein. Also, the previously omitted element numeral 14c has been added.

In amended Figure 7, the previously submitted element numeral 4c has been changed to 31.

In the amended Figure 8, the previously omitted element numeral 14a has been added; and the previously submitted element numeral 39a has been changed to 39.

In the amended Figure 9, the previously submitted element numeral 4a has been changed to 4b; the previously submitted element numeral 4b has been changed to 4a; and previously submitted element numeral 43 has been changed to 39.

In the amended Figure 10, the previously submitted element numeral 6a has been changed to 7a; and the previously submitted element numeral 9a has been changed to 3a.

In the amended Figure 11, the previously submitted element numeral 25 has been changed to 19a.

In the amended Figure 12, the previously omitted element numeral 46 has been added (twice); the previously submitted element numeral 21a has been changed to 25; the previously submitted element numeral 28 has been changed to 23; the previously submitted element numeral 6a has been changed to 46; the previously submitted element numeral 18a has been changed to 21a.

In the amended Figure 13, the previously submitted element numeral 7a has been changed to 49; the previously submitted element numeral 18a has been changed to encompass the whole set appearing in the lower right hand corner of this drawing instead of just the ball itself.

In the amended Figure 14, the previously submitted element numeral 7a has been changed to 46 (twice); the previously submitted element numeral 58 has been changed to 62; the previously submitted element numeral 20a has been changed to 28.

In the amended Figure 15, the previously submitted element numeral 6a has been changed to 46.

In the amended Figure 16, the previously submitted element numeral 7a has been changed to 46 (twice) and the previously submitted element numeral 61 has been deleted.

In the amended Figure 17, the previously omitted element numeral 26 has been added and the previously submitted element numeral 7a has been changed to 46.

In the amended Figure 18, the previously omitted element numeral 23 has been added; the previously submitted element numeral 7a has been changed to 46 (twice); the previously omitted element numeral 24 has been added; the previously omitted element numeral 21a has been added; the previously submitted element numeral 6a has been changed to 46; the previously submitted element numerals 50 and 53 have been deleted.

Figure 19 has been cancelled in its entirety.

The following REMARKS/ARGUMENT are being dictated with the amended parts of the Specification, the amended Claims and the amended Drawings before the Applicant's attorney for his examination and evaluation of making the ARGUMENT to follow.

ARGUMENT

It is initially urged that the foregoing amendments to the Specification, Claims, and Drawings are made in a sincere and bonafide effort to advance the prosecution of this application and to satisfy all of the objections/rejections of the Examiner, as expressed in any of his previous Office Actions dated January 2, 2003, November 21, 2002, and May 13, 2002.

The present Amendment B accompanies a Petition to Revive an unintentionally abandoned Application and constitutes a "reply" required to the outstanding Office Action as provided by 37 CFR §1.137(b)(1). Applicant's check in the amount of \$665 is attached to the Petition and Applicant's check in the amount of \$43 for the independent claim in excess of three is attached to the first page of the Amendment herein.

It would also be inappropriate not to express thanks to the Examiner for the courtesies afforded Applicant's attorney by the Examining Attorney in the course of the prosecution of this application, thus far, including the phone conferences held and helpful hints given by the Examiner, including his supervisor Examiner for this Art Unit 3748.

A particular sticky point, should also be pointed out, which has caused problems to the undersigned attorney, given the original Claims as filed. First, the amendments to the Claims presented in the Amendment labeled Amendment A (having a date of November 13, 2002) included new Claims 3 through 10. This Amendment was characterized by the Examiner as Non-Compliant by reason of the Amendment to the Claims not being responsive to the "new system" of the USPTO. Then of course we have the newest system enacted as a final form of Amendment practice entitled "Waiver of 37 CFR 1.121" until July 29, 2003".

Thereafter, a Notice pertaining to "Non-Compliant Amendments" was issued stating July 30, 2003 as a deadline.

With that in mind, Applicant's have elected to cancel all Claims that had been existing and to present all Claims as new Claims.

Currently as indicated the Applicant has chosen to present new claims numbered 11 through 30, inclusive of 4 independent claims and 16 dependent claims, totaling 20 claims.

To touch on a couple of preliminary matters it is to be noted that the present Amendment B accompanies a Petition To Revive and that page 1, of the Amendment B contains an index in keeping with the newest referred to as 37CFR 1.121.

It is further urged, as a preliminary matter, that the new Claims 11 through 30 and the language in the Specification supporting the new Claims has been carefully drafted so as to avoid rejection under the first paragraph of 35 USC 1.12. These new Claims also satisfy the enablement provision of Section of 35 USC 1.12(b).

The new Claims are further believed to be no longer objectionable or rejectable under 35 USC 102; in view of the patent art cited by the Examiner considering the patents alone, or, under U.S.C. 103 a combination of art cited by the Examiner under the obviousness section of the Patent Statute.

As to the art cited it may be noted that other than the foreign reference, all of the patent art cited by the Examiner was known to Applicant and is referred to in this Amendment B at paragraph [0006.1].

Next, the Examiner's attention is kindly directed to FIGS. 3, 4, 5 and 6 and particularly the sheets of those Figures showing the changes therein. As can be seen the conduits (6a and 7a) have been changed to the proper position, where as filed, conduits (6a and 7a) connected to the wrong chambers. It is the further view of the undersigned and Applicant as it

appeared that the Examiner was dissatisfied with the text and particularly the explanation of the flow of the fluid through the various valves and the impact on the pilot pistons etc., etc. This dissatisfaction is in part explained by the correction of the conduit connections (6a and 7a) to the proper chambers. This reversal in connection with the conduits and the chambers is shown correctly in the marked up version, and of course, in the final version showing the correction to both the text and the drawings. These changes also necessitated a change in the direction of flow through the various valves. Of particular note is the fact that there are no new conduits have nor, any new valves or types of valves.

The misplacement of the conduits, discussed above, was for a time baffling to Applicant and his counsel as a small pilot version of the pump operated very successfully. It is suspected that the Patent Draftsman may have inadvertently misplaced the conduits (6a) and (7a).

The newly presented TABLE X at page 15 of 37 and also FIGS. 3, 4, 5 and 6 should prove most helpful in understanding the "open" or "closed" position of all of the valves, and, as well, the direction of flow of the fluid.


To assist the Examiner in the structure of the present invention is attached herewith an EXHIBIT B, which consists of two sheets. Sheet one contains three views; the top, middle and bottom. The top view shows the pump (2a) of the present invention with the drive shaft at the upper end and also showing an inlet port and one of the outlet ports. View two is a somewhat sectional view with the color blue fluid representing fluid at atmospheric pressure while the color red fluid represents pressurized fluid. View three shows an exploded view of some of the parts essential to the present invention as can be seen the cover at the upper end; the drive shaft; the idler shaft and the intermeshing gears. Also shown are the dowel pins; the gear housing and the cover on the opposite end together with a seal. [Not shown in this view are the end cap members. Since in this embodiment, it is urged that the pump will operate with just a cover member albeit not as efficiently.] Applicant believes that he is entitled to this scope of protection however, due to the fact that this is the first known dual rotation pump capable of pumping fluid in either direction and with the outside pressure being greater than the inside pressure to achieve the clamping action as discussed hereinabove.

EXHIBIT B (on sheet two) is a fourth view where again the blue and red colors illustrate atmospheric pressure for blue and the pump's generating pressure as red.

It is believed that any further detailed description of the valves re: open or closed or any repetition of the direction of the flow of the fluid would be superfluous in view of the changes in this respect of paragraphs [0060]; [0061]; [0063] and [0064].

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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P-954-A-2

CERTIFICATION OF SERVICE

This is to certify that the original Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.13(b) along with one original AMENDMENT B (P-954-A-2) inclusive of EXHIBITS A, B and C was deposited in the United States mail Service, by Express Mail, Postage prepaid, addressed to **Mail Stop** Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of **December, 2003.**


Paul F. Stutz